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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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WILLIAM A. MUNDELL  
CHAIRMAN

JIM IRVIN  
COMMISSIONER

MARC SPITZER  
COMMISSIONER

DOCKETED BY

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AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
NEW RIVER UTILITY COMPANY, INC. FOR A  
RATE INCREASE

DOCKET NO. W-01737A-01-0662

AMENDED  
RATE CASE  
PROCEDURAL ORDER

BY THE COMMISSION:

On August 15, 2001, New River Utility Company ("Applicant" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a rate increase.

On September 13, 2001, the Commission's Utilities Division Staff ("Staff") filed a letter notifying the Company that its application met the sufficiency requirements outlined in A.A.C. R14-2-103 and classifying the Company as a Class C utility.

On September 20, 2001, Staff indicated that it will need additional time to file its Staff Report.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall commence on **March 26, 2002, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that the Staff Report and/or any testimony and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before **noon on January 25, 2002.**

IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at hearing on behalf of intervenors shall be reduced to writing and filed on or before **noon on January 25, 2002.**

1 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be  
2 presented at hearing by the Company shall be reduced to writing and filed on or before **noon on**  
3 **February 27, 2002.**

4 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to be  
5 presented by the Staff or intervenors shall be reduced to writing and filed on or before **noon on**  
6 **March 13, 2002.**

7 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be  
8 presented by the Company shall be reduced to writing and filed on or before **noon on March 20,**  
9 **2002.**

10 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have  
11 been prefiled as of **March 13, 2002**, shall be made before **March 20, 2002.**

12 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to  
13 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is  
14 scheduled to testify.

15 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
16 except that all motions to intervene must be filed on or before December 14, 2001.

17 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
18 regulations of the Commission, except that: any objection to discovery requests shall be made within  
19 7 days<sup>1</sup> of receipt and responses to discovery requests shall be made within 10 days of receipt; <sup>1</sup>; the  
20 response time may be extended by mutual agreement of the parties involved if the request requires an  
21 extensive compilation effort; and no discovery requests shall be served after March 20, 2002.

22 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
23 discovery, any party seeking discovery may telephonically contact the Commission's Hearing  
24 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a  
25 request, a procedural hearing will be convened as soon as practicable; and that the party making such  
26  
27

28 <sup>1</sup> "Days" means calendar days.

a request shall forthwith contact all other parties to advise them of the hearing date and shall at the hearing provide a statement confirming that the other parties were contacted.<sup>2</sup>

IT IS FURTHER ORDERED that any motions which are filed in this matter and which are not ruled upon by the Commission within 10 days of the filing date of the motion shall be deemed denied.

IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of the filing date of the motion.

IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date of the response.

IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in this matter, in the following form and style:

**PUBLIC NOTICE OF HEARING ON THE  
APPLICATION FOR RATE INCREASE OF  
NEW RIVER UTILITY COMPANY**

On August 15, 2001, New River Utility Company ("Company") filed an application with the Arizona Corporation Commission ("Commission") for an approximately 80 percent rate increase. The actual percentage rate increase for individual customers will vary depending upon the type and quantity of service provided. Copies of the Company's application and proposed tariffs are available at its office and the Commission's offices for public inspection during regular business hours.

The Commission will hold a hearing on this matter beginning March 26, 2002, at 10:00 a.m., at the Commission's office, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken at the commencement of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to the Company or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

<sup>2</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before December 14, 2001. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shelly M. Hood, ADA Coordinator, voice phone number 602/542-3931, E-mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Company shall mail to each of its Arizona member/customers a copy of the above notice by November 9, 2001.

IT IS FURTHER ORDERED that the Company shall file certification of mailing as soon as practicable after the mailing has been completed.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of same, notwithstanding the failure of an individual customer to read or receive the notice.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

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1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 DATED this 20th day of September, 2001.

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6   
7 STEPHEN GIBELLI  
8 ADMINISTRATIVE LAW JUDGE

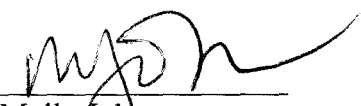
9 Copies of the foregoing mailed  
10 this 20th day of September, 2001 to:

11 Robert Fletcher  
12 New River Utility Company  
13 7839 W. Deer Valley Road  
14 Peoria, AZ 85007

15 Christopher Kempley, Chief Counsel  
16 LEGAL DIVISION  
17 Arizona Corporation Commission  
18 1200 W. Washington Street  
19 Phoenix, Arizona 85007

20 Steve Olea, Acting Director  
21 UTILITIES DIVISION  
22 Arizona Corporation Commission  
23 1200 W. Washington Street  
24 Phoenix, Arizona 85007

25 ARIZONA REPORTING SERVICE, INC.  
26 2627 N. Third Street, Suite Three  
27 Phoenix, Arizona 85004-1103

28 By:   
Molly Johnson  
Secretary to Stephen Gibelli